

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the )  
relation of State Engineer, )  
                                )  
Plaintiff,                   )                                 69cv07941- JEC-ACE  
-v-                           )                                 RIO CHAMA STREAM SYSTEM  
RAMON ARAGON et al.,      )  
                                )  
Defendants.                ) \_\_\_\_\_)

**MOTION OF SPECIAL MASTER  
FOR INTERIM FEES AND EXPENSES**

TO: The Honorable John E. Conway                                     FROM: Vickie L. Gabin  
United States District Judge   Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, law clerk, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from July 1, 2001 through December 31, 2001. Most of the fees and expenses have already been paid from the trust account.

## I. WORK PERFORMED

### A. Case management

1. Work on errors and omissions in mainstem subfiles is continuing by the parties under the supervision of the court's data manager. The data manager also tracks all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), Section 5 (Rio Gallina), and Section 7 (Tierra Amarilla).
2. The remaining Rio Chama hydrographic survey to be completed is designated Section 7, Tierra Amarilla. Hydrographic survey work for subsections Rito de Tierra Amarilla and the Rio Brazos has been completed, and the reports and maps have been filed. Survey work for the Rutherford/Plaza Blanca subsection has been completed, and work for the remaining two subsections - Canones Creek and the Village of Chama - should be completed by summer 2002.

### B. Section 5 adjudication

The adjudication of individual water rights claimants is close to completion. I reviewed and signed numerous consent orders, and filed a September 18, 2001 Special Master's Report on the Cordova-Martinez Ditch's Motion to Intervene in individual subfile hearings (Docket No. 6349). With the attorneys for the State and the acequias, I participated in a field investigation of the acreage associated with several disputed subfiles. I held a pretrial conference on the remainder of the disputed subfiles in October.

### C. Section 3 adjudication

The adjudication of individual water rights claimants proceeds pursuant to the Procedural Order I entered July 25, 2000, as amended. Numerous consent orders have been processed and filed. I held a status conference in July to assess progress.

D. Section 7 adjudication

I entered an Interim Procedural Order November 26, 2001 (No. 6414) to guide the course of the adjudication of Section 7 water rights claims. Because activity is heavy in resolving subfile problems in Sections 3 and 5, field sessions and investigations of Section 7 disputed subfile claims will not occur until 2003.

E. Pending reports

While day-to-day case management of the federal cases takes the majority of my time, work continues on two pending special master reports - the United States' Wild and Scenic River claims, and priorities for three mainstem acequias.

F. Federal and Indian water rights claims

The State is still formulating its position with respect to certain legal issues.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Karla McCall, Geta A. Gatterman, paralegal and administrative assistant, and Ellen Pinnes, Esq., law clerk, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: February 22, 2002

/electronic signature/  
VICKIE L. GABIN, SPECIAL MASTER